

REMARKS

Reconsideration and withdrawal of the rejections to this application are respectfully requested in view of the amendments and remarks herein which place the application in condition for allowance. The Examiner is thanked for considering claims 4, 7, 8, 19, 26-31 and 37-41 to be allowable if rewritten in independent form.

Claims 1, 5-17 and 26-43 are pending. Claims 1, 9, 10, 26 and 28-31 were amended, and claims 2, 3, 4 and 18-25 were cancelled, without prejudice, to advance prosecution and to place the claims in condition for allowance. Applicants reserve the right to pursue cancelled subject matter in a continuing application. The amendments and remarks made herein are not made for reasons related to patentability and, thus, do not prevent the application of the doctrine of equivalents.

No new matter has been added.

Claims 1-3, 5, 6, 9-16, 17, 18, 23, 32-36, 42 and 43 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 5,428,000 to Innami et al. The rejection is traversed.

The amendments to the claims render the rejection moot. Further, the portions of Innami cited in the Office Action do not teach or disclose, for example, a method for suppressing antagonistic interactions in an agrochemical composition comprising at least two agrochemical compounds, comprising the step of applying to said agrochemical composition a cationic polymer having a main chain, wherein at least part of said polymer is constructed of monomer units comprising cationic groups optionally comprising quaternary nitrogen atoms, wherein the percentage of monomer units which do not contain any cationic groups is at most 90% by

weight, and the molecular weight of the polymers is $< 10,000$ if the quaternary nitrogen atoms are arranged exclusively outside the main chain of the polymer.

The state of the law in the Federal Circuit requires that the suggestion or motivation to practice the claimed invention must be present in the cited art, and not gleaned from Applicants' specification. In the instant case, and contrary to the allegations in the Office Action, the only suggestion or motivation is in Applicants' invention.

Further, it is well-settled that picking and choosing portions from a disparate reference in order to formulate an obviousness rejection is impermissible. Further, "obvious to try" is not the standard upon which an obviousness rejection should be based. *See In re Fine*. And as "obvious to try" would be the only standard that would lend the Section 103 rejection any viability, the rejection must fail as a matter of law. Therefore, applying the law to the instant facts, the rejection is fatally defective and should be removed.

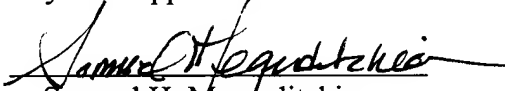
Consequently, reconsideration and withdrawal of the Section 103 rejections are believed to be in order and such actions are respectfully requested.

CONCLUSION

In view of the foregoing amendments, it is believed that all of the claims in this application are patentable, and early and favorable consideration thereof is solicited.

Respectfully submitted,

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